

Assam Schedule VII, Form No. 143

High Court Form No. (J) 13.
Form of Order sheet.

DISTRICT : SONITPUR
COURT OF **DISTRICT JUDGE, SONITPUR AT TEZPUR**

TS(M) Case No. 121 of 2022.

Sri Hiren Kurmi, petitioner No.1 and Smti Anjali Singh, petitioner No.2

Sl. No. of Order	Date	<u>order</u>	Signature
	<u>14-11-22</u>	<p>This is an application filed by both petitioner No.1 and 2 Hiren Kurmi and Smti Anjali Singh respectively, praying for a decree of divorce by mutual consent u/s 28 of Special Marriage Act, 1955.</p> <p>As averred in the petition, the marriage between petitioner No. 1 and 2 Hiren Kurmi and Smti Anjali Singh was registered under the Special Marriage Act, 1954 on 21-01-2019 vide Marriage Certificate No. 51/2019 dated 21-01-2019 at the Office of the District Marriage Officer, Sonitpur at Tezpur, Assam and they started living together as husband and wife at the resident of petitioner No.1 and there is no issue out of their wedlock.</p> <p>Pleading reveals that after their marriage, both parties found that their temperaments and the way of life different to each other and in spite of the best possible efforts, there was such incompatibility of the temperaments of both the petitioners that their lives</p>	

have become unbearable to each other leaving no scope for reconciliation. They have been living separately since **March, 2021** and since then, there is no marital tie/relationship between the parties anymore. It is further pleaded that it has become impossible for the petitioners to live together as husband and wife anymore as their relation reached the point of no return.

It is further pleaded that now both the petitioners out of their own free will/accord broke the marital relationship and both intend to withdraw themselves from their company and since March,2021 both the petitioners are living separately at their own residences. There is absolutely no chance for reconciliation, re-union or co-habitation for which they mutually agreed that the marriage should be dissolved. There is no force, threat or coercion on the part of either side in coming to such mutual agreement.

It is also pleaded that an amount of Rs. 1,31,000/- (Rupees one lac thirty one thousand) only by way of cheque vide Cheque No. 000011 of Bank of Boroda has already been paid by the petitioner No.1 to petitioner No.2 as permanent alimony along with one golden chain and one golden ring.

Subsequently, both parties being personally present in Court and filed separate evidence-on-affidavits stating the same fact as has been pleaded in the petition thereby corroborating their joint wish/desires.

When both parties are personally present in the court on being enquired by court, it is submitted that both have voluntarily agreed for mutual divorce without any coercion, undue influence, threat or pressure whatsoever from either side.

In the above backdrop, this Court is fully convinced that petitioners have voluntarily agreed to dissolve their marriage by mutual consent and there is no need to further waste time at the peril of the petitioners.

Having taken into consideration the fact that the marriage between the parties reached the point of no return and it will amount to cruelty to both sides if they are allowed to continue their marital life anymore. Since both have mutually agreed to live separately without any claim whatsoever from any side without any preconditions the decree of divorce by mutual consent as sought by the parties is hereby allowed.

Accordingly, the registered marriage under the Special Marriage Act, 1954 executed on 21-01-2019 between the petitioners is hereby dissolved by a decree of divorce on mutual consent.

Consequently, the Marriage Certificate being No. 51/2019 dated 21-01-2019 (**Ext. 1**) issued by the District Marriage Officer, Sonitpur, Tezpur is hereby cancelled.

The District Marriage Officer, Sonitpur, Tezpur is asked to cancel the same. Inform the District Marriage

		<p>Officer accordingly.</p> <p>The TS (M) Case No. 121 of 2022 is accordingly disposed off.</p> <p>Let a decree of divorce by mutual consent be prepared.</p>	<p>(C.B.Gogoi) District Judge, Sonitpur:Tezpur.</p>
--	--	---	---